

[First Reprint]

**SENATE, No. 876**

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**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator RICHARD J. CODEY**

**District 27 (Essex and Morris)**

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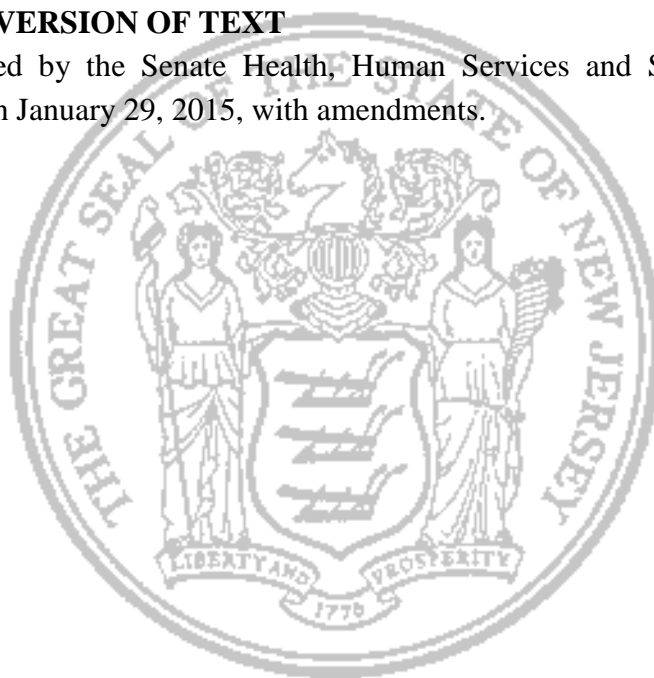
**Senator Madden**

**SYNOPSIS**

Requires hospitals and health care professionals to offer hepatitis C testing to certain individuals; authorizes certain laboratories to perform rapid hepatitis C testing.

**CURRENT VERSION OF TEXT**

As reported by the Senate Health, Human Services and Senior Citizens Committee on January 29, 2015, with amendments.



**(Sponsorship Updated As Of: 2/6/2015)**

1 AN ACT concerning hepatitis C testing and supplementing Title  
2 26 <sup>1</sup>and Title 45<sup>1</sup> of the Revised Statutes.

3  
4 BE IT ENACTED *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. a. As used in this section:

8 “Hepatitis C diagnostic test” means a laboratory test that detects  
9 the presence of hepatitis C virus in the blood and provides  
10 confirmation of whether the individual tested has a hepatitis C  
11 infection.

12 “Hepatitis C screening test” means a <sup>1</sup>**laboratory screening test**  
13 U.S. Food and Drug Administration-approved test, including a rapid  
14 point-of-care test,<sup>1</sup> that detects the presence of hepatitis C virus  
15 antibodies in the blood.

16 b. A general hospital licensed pursuant to P.L.1971, c.136  
17 (C.26:2H-1 et seq.), or a health care professional licensed pursuant  
18 to Title 45 or 52 of the Revised Statutes, shall, when providing a  
19 health care service to an individual who was born between 1945 and  
20 1965, <sup>1</sup>and except as provided in subsection c. of this section,<sup>1</sup> offer  
21 a hepatitis C screening test to that individual, unless the health care  
22 professional <sup>1</sup>**who has** with<sup>1</sup> primary responsibility for the  
23 treatment and care of the individual reasonably believes that the  
24 individual:

25 (1) is being treated for a life threatening emergency;

26 (2) has previously been offered or has been the subject of a  
27 hepatitis C screening test; or

28 (3) lacks capacity to consent to a hepatitis C screening test.

29 c. <sup>1</sup>Notwithstanding the provisions of subsection b. of this  
30 section to the contrary, a nursing home or other long-term care  
31 facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), or  
32 a health care professional licensed pursuant to Title 45 or 52 of the  
33 Revised Statutes who is employed by a nursing home or other long-  
34 term care facility, shall, when providing a health care service to an  
35 individual who was born between 1945 and 1965, offer to arrange a  
36 hepatitis C screening test for that individual, either by setting up a  
37 screening test appointment with an appropriate health care  
38 professional or general hospital, or by arranging for a mobile  
39 laboratory or other laboratory site to provide the screening test,  
40 except in those cases where the health care professional with  
41 primary responsibility for the treatment and care of the individual  
42 reasonably believes that the individual satisfies one of the  
43 conditions identified in paragraphs (1) through (3) of subsection b.  
44 of this section.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SHH committee amendments adopted January 29, 2015.

1       d. (1)<sup>1</sup> If an individual accepts <sup>1</sup>~~the~~ an<sup>1</sup> offer for a hepatitis  
2       C screening test <sup>1</sup>, as provided by subsection b. of this section,<sup>1</sup> and  
3       the screening test is positive, the hospital or health care professional  
4       shall either offer the individual follow-up care or refer the  
5       individual to a health care provider who can provide follow-up care.

6       <sup>1</sup>(2) If an individual accepts an offer for the arrangement of a  
7       hepatitis C screening test, as provided by subsection c. of this  
8       section, and the screening test is positive, the person or entity  
9       providing the screening test pursuant to the arrangement shall either  
10      offer the individual follow-up care or refer the individual to a health  
11      care provider who can provide follow-up care.

12      (3)<sup>1</sup> The follow-up care <sup>1</sup>that is provided pursuant to this  
13      subsection<sup>1</sup> shall include a hepatitis C diagnostic test.

14      <sup>1</sup>~~d.~~ e.<sup>1</sup> The <sup>1</sup>~~offering of a hepatitis C screening test under~~  
15      offer that is made pursuant to<sup>1</sup> this section shall be culturally and  
16      linguistically appropriate in accordance with regulations  
17      promulgated by the Commissioner of Health.

18      <sup>1</sup>~~e.~~ f.<sup>1</sup> This section shall not affect the scope of practice of  
19      any health care professional or diminish any authority or legal or  
20      professional obligation of any health care professional to offer a  
21      hepatitis C screening or diagnostic test, or to provide services or  
22      health care for the individual who is subject to a hepatitis C  
23      screening or diagnostic test.

24      <sup>1</sup>~~f.~~ g.<sup>1</sup> The Commissioner of Health shall evaluate the  
25      impact of the provisions of this section with respect to the number  
26      of individuals who are screened for hepatitis C and the number of  
27      individuals who have accessed care following a positive test. No  
28      later than January 1, 2016, the Commissioner of Health shall submit  
29      a report of the evaluation to the Governor, and to the Legislature  
30      pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1)<sup>1</sup>.<sup>1</sup>

31  
32      <sup>1</sup>2. The Commissioner of Health, in consultation with the Public  
33      Health Council in the Department of Health, shall adopt regulations,  
34      pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
35      (C.52:14B-1 et seq.), to permit any laboratory site that has a current  
36      Clinical Laboratory Improvement Amendments Certificate of  
37      Waiver issued by the federal Centers for Medicare & Medicaid  
38      Services to perform rapid point-of-care tests for hepatitis C virus  
39      licensed by the federal Food and Drug Administration.<sup>1</sup>

40  
41      <sup>1</sup>~~2~~ 3.<sup>1</sup> The Commissioner of Health, pursuant to the  
42      "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
43      seq.), shall adopt rules and regulations necessary to effectuate the  
44      purposes of this act.

1       <sup>1</sup>**[3.]** 4.<sup>1</sup> This act shall take effect on the first day of January  
2 next following the date of enactment, and <sup>1</sup>section 1<sup>1</sup> shall expire  
3 and be deemed repealed on January 1, 2020, except that the  
4 Commissioner of Health may take such anticipatory administrative  
5 action in advance of the effective date as shall be necessary for the  
6 implementation of this act.